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AN
IMPARTIAL STATEMENT
OF THE
Inhuman Cruelties
DISCOVERED!

IN THE
COLDBATH-FIELDS PRISON,
BY THE GRAND AND TRAVERSE JURIES FOR THE
COUNTY OF MIDDLESEX, AND

REPORTED IN THE HOUSE OF COMMONS, [Proc. II]
u

ON FRIDAY THE 11TH OF JUNE, 1800,

By Sir FRANCIS BURDETT, Bart.

WITH
THE REPORT OF THE DEBATE
ON THAT MOMENTOUS OCCASION.

TO WHICH IS ADDED,
A LETTER TO R. B. SHERIDAN, ESQ.
BY CHRISTOPHER MUNNINGS.

ALSO,
AN INTERESTING LETTER,
FROM ONE OF THE PRISONERS, NOW UNDER CONFINEMENT,
TO MR. JORDAN, THE PUBLISHER,
Stating the Real Cause of his present Miserable Situation, &c.

L O N D O N :

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IMPORTANT DEBATE
ON THE
STATE OF THE PRISON
IN
COLDBATH-FIELDS.

SIR FRANCIS BURDETT said, That, previous to making the motion of which he had given notice some days back, he wished to lay before the House certain documents, upon which it was his intention to ground the propriety and necessity of that motion. He would not now comment upon the nature of the facts contained in these documents; indeed, they spoke but too forcibly for themselves. He would content himself with reading the documents, if the House would have the patience to hear him. The Honorable Baronet then read the following Presentment of the Grand and Traverse Juries of the County of Middlesex, on the subject of the Coldbath-Fields Prison :

CASE OF MARY RICH.

THE facts on which the following presentment is founded, originated in the miserable appearance of a witness, named Mary Rich, before the Grand Jury, in May Session, 1800, to give evidence against a man of the name of William Dell, for an attempt to commit a rape upon her, the said Mary Rich, being then under fourteen years of age. The child appearing very ill, was questioned by the Gentlemen as to how she came so, when they were informed that she had been committed above a month to the New Prison in Coldbath-Fields, without any allowance but bread and water to support her; that she had been ill four days, but had not seen the Doctor in all that time; and that, during her illness, a woman had been delivered of a child in the prison, and that some of the other prisoners had taken the covering of her bed from her, and she lay one whole night (ill as she was), in that situation. The Gentlemen of the Jury immediately acquainted the Magistrates with the situation of the child, and requested their attendance in the Jury-Room to see her, where she sat in a chair, scarcely able to hold herself upright. They were very much surprised at her account, and immediately ordered the Keeper and Doctor of the prison to attend them with the warrant of commitment.

The Gentlemen of the Jury, fearing some misinformation might be given by those men, resolved to close the business of the day, and visit the prison themselves, and two Gentlemen were desired to wait on the Magistrates, with a request for an order to that purpose; to this request was added another, that they might be empowered to examine witnesses (in the case of Mary Rich only). The Gentlemen were very handsomely answered by Mr. Conant, that, respecting the order, they readily granted it, for visiting the prison, and that, if any thing appeared to them improper or materially wrong, while there, it would come properly before them in a presentment from them as the Grand Jury; and then, if necessary, they should have power to examine witnesses even upon oath. In consequence of the order being given, the prison was visited, and the following presentment was given into the Court the 31st May 1800, immediately before they, as a Grand Jury, were discharged.

PRESENT.

THE
PRESENTMENT OF THE GRAND JURY
FOR THE COUNTY OF MIDDLESEX,

AT THE GENERAL SESSION OF THE PEACE, HOLDEN FOR
THE SAID COUNTY, AT THE SESSIONS HOUSE OF
CLERKENWELL-GREEN, ON THE 27TH DAY OF
MAY, IN THE FORTIETH YEAR OF THE
REIGN OF OUR LORD THE KING.

IN consequence of the appearance of a witness that was brought before us in a prosecution, we considered it our duty to obtain an order of this Court to visit the prison in Coldbath-Fields, for the purpose of enquiry into the state of that prison, and particularly respecting the care and attention that is paid to the sick; and the following observations are the result of that enquiry.

That from the cleanliness and good order preserved there, we consider it the best conducted prison we ever saw, for prisoners after conviction, the article of bedding alone excepted, which certainly appears to us by no means sufficient, even for the summer season.

That, for prisoners before conviction, we think directly the contrary, inasmuch as no provision is made for them, but bread and water, and the difficulty, if not the impossibility, of obtaining admission for their friends to see them, renders it a melancholy and dangerous situation, and appears to us contrary to the principle of our happy Constitution, which has wisely provided that no punishment ought to take place till after conviction.

The case of Mary Rich, that first induced us to visit that place, is a case in point, she being a person who has suffered a severe injury, for which she is about to prosecute, has been confined there more than a month, without any provision but bread and water, and whose friends, from their poverty, and other difficulties, have not sent her any animal food but twice during that time; she is now exceedingly ill, and we think it our duty to say she ought to be immediately removed from that place, and put under the care of proper persons, with every comfort and convenience the nature of her case requires.

The appearance of the infirmary is very favourable, but few sick, and none apparently dangerous. and visited by the Doctor every day; but the other parts of the prison appear not to be so well attended to, we having found two persons in separate cells (one locked up), both very ill, and who do not appear to have been properly attended by the Doctor; those circumstances we particularly recommend to your serious and attentive enquiry, trusting, at the same time, that the same sentiments that induced us to obtain this information will also influence you to render the situation of the unhappy persons confined there as free from complaints of this kind as the nature of their cases will admit.

(Signed)

JOHN CAMPBELL, <i>Foreman.</i>	WILLIAM AVELING
THOMAS FLIGHT	WILLIAM THOMPSON
HENRY HALL	WILLIAM MARCHANT
B. DEACON	WILLIAM NEWPORT
JOHN NAISH	JOHN STUBBS
ROBERT CRIBB	J. SAUNDERS
WILLIAM SMITH	Mr. GREYLING
NICHOLAS GARLING	Mr. BELLINGER
C. CHARLSWORTH	Mr. WYLLEY

INSPECTION

OF THE HOUSE OF CORRECTION, COLDBATH-FIELDS, ON
THE 30TH OF MAY AND 4TH OF JUNE 1800,
BY THE TRAVERSE JURY FOR CLERKENWELL.

ON Friday the 30th of May we, the Traverse Jury, visited the Coldbath-Fields Prison; and, being introduced to that part of the gaol where the Mutineers are confined, we ordered the Turnkeys to withdraw, that the prisoners might with the greater freedom communicate to us the treatment they received; because when we first questioned them they hesitated, being fearful of answering, dreading the severity of the Governor in case he should know they made any complaint. But we told them our intention was to inspect into the real situation of the prisoners in general; and, should it appear that any of them had just cause of complaint, we would report it to the Court, and endeavour to procure them redress.

Having

Having thus promised them our protection, they informed us that their allowance of food was better now than what they formerly were supplied with; but that their allowance even at present was not sufficient to support human nature; and they declared their suffering by cold during the winter was severe to the extreme; and many of them said, they had scarcely a bit of shoe to their feet; and some of them complained that money was left for them by their friends at the prison-gate, which they never received.

We proceeded to a gallery, where we found a man named Jones lying in a cell, with a handkerchief bound round his head. He appeared to be extremely ill, and we demanded to know the cause of his complaint; his reply was—"cruel treatment," and related to us as follows:—That one evening in the month of August 1798, after he had gone to bed, a Turnkey opened his cell door, saying, "Why do you make a noise?"—He answered, "I have not made a noise; but I suppose the noise was occasioned by some of the prisoners closing the window-shutters of their cells."—The Turnkey said, "You are a damned villain," and made use of other abusive language, which induced him (Jones) to sit up in bed. At that moment the Turnkey struck at his head with a bunch of keys, which must have proved fatal if part of the keys had not hit against the wall, which broke the dangerous effect of the blow. The Turnkey then withdrew; but returned next morning, and again opened the cell, saying, "Come along with me, Jones, to be ironed."—"For what," replied Jones; "if I had committed an offence I ought to be ironed; but I have committed none." During this altercation the Governor came up, and beat him with a stick till he broke it to pieces; then he renewed the assault with his fists, and beat him in a cruel manner; after which, he took him to the yard and loaded him with irons, which were not taken off his limbs for several months after. And Jones declared to us that he never enjoyed an hour's health since he was so inhumanly beat by the Governor.

We next examined some beds which appeared like chaff, (being worn-out straw); and a small horse-rug and a thin small blanket, very coarse, for covering, all of the worst quality, and which we consider by no means a proper or sufficient bed or covering for any human being.

Many

Many of the seamen complained of illness ; and in general they had the appearance of men worn out by wretchedness and disease : they complained of being debarred of every indulgence considered necessary to render life desirable—even denied the privilege of attending Divine Service ! and the necessities of life so sparingly distributed to them, as if it was calculated to lengthen out a miserable existence for the purpose of punishment ; they acknowledge that their former crimes deserve any punishment the laws of their country may inflict ; and they greatly lament that they have not an opportunity of serving his Majesty, to make every reparation in their power as an atonement for their past offences.

After leaving the mutineers, we were conducted through several galleries to the kitchen, where we saw the copper where the prisoners' meat is boiled ; the copper is divided into two parts, one side large and the other side small ; in the small side was some broth, which they informed us was intended for the prisoners next day ; some of the Jurors tasted the broth, which was then rich and very good ; but, on a further enquiry, it appeared that a quantity of water boiled in the large side of the copper with oatmeal, rice, and sometimes potatoes, was added to the broth in the small side of the copper, consequently it must be very poor broth, when at least three times the quantity of water was to be mixed with the beef-liquor, that we saw first, before it was divided amongst the prisoners.

From the kitchen we went to the women's side of the prison, and passed through the laundry and sick ward, which were very clean ; but there were few sick persons in the hospital. We proceeded through a gallery, where there were a number of women, but they made no complaint to us. We next went to a yard, where there were several men and boys apparently very ill ; they complained that they had not sufficient food, which they alledged to be the cause of their illness, nor had they proper medical assistance.—One man in particular, said he had been greatly afflicted with the flux for two years past, which his weak appearance denoted, and we think he ought to be attended to the sick ward.

We then left the interior of the gaol and walked on a path between the garden and prison, where we consulted,
and

and concluded that we saw several prisoners that had great reason to complain; but that every part of the gaol we had seen appeared to be very clean. However, we determined to revisit that prison on a future day, in consequence of some information we obtained, that we had not seen all the prisoners, or had not been taken to the worst part of the gaol.

Therefore we made our second visit to the Coldbath-Fields Prison, on Wednesday the 4th June; and, when passing through the Mutineer's yard, a person from the gallery called out of a cell window, and said another prisoner requested to speak with us; on which the Keeper's Son said, "It is Johnston the mutineer," and desired a Turnkey to bring him down; but some of the prisoners alledged that he was not able to come down. However he soon appeared, supported by two or three men, but unable to stand on his weak limbs; therefore we ordered him back, and followed him to his cell, where he informed us he had been cruelly treated; that his daily allowance of food was always short, and not sufficient to support him, and that he considered the want of food and bad treatment the sole cause of his illness; and when he applied to the Doctor of the prison for relief, the Doctor disregarded his entreaties, and told him he *shammed* it; "but you see, Gentlemen, (continued Johnston) I do not *sham* it; the gaol allowance I cannot eat; there it is, you may inspect it; and my weak state denotes my situation *." We did not see

* COPY OF A LETTER FROM JAMES JOHNSTON, NOW CONFINED
IN THE COLDBATH-FIELDS PRISON.

June 20, 1800.

"THE moment is fast approaching in which I expect to rejoin that Supreme Being—the Author of my existence, at whose awful Tribunal I must render an account of my actions whether good or bad—and as I find my end so fast approaching, I feel it necessary here at this critical juncture, to state the real cause of this my present miserable situation. In the presence of God, I solemnly declare that the principal, and I really believe only, cause of my present sickness has been occasioned by the severity of my confinement, want of food to support nature, and bad attendance when first afflicted. I have not strength nor ability to enumerate the *many instances of cruelty* I have experienced, but suffice it to say (and it is not possible at this awful moment, I should helpe my dying soul) that my death has been occasioned by the above stated reasons, the truth of which I call God the Father Almighty

see or hear of this unfortunate man the first day we visited that gaol, nor had we before seen another gallery wherein we then found a number of prisoners that complained of being ill, which their emaciated appearance clearly denoted. They attributed their diseases to bad treatment and want of sufficient food; and the medicine given to them they consider of no utility, as they believe it is nothing but vinegar and water (we have since been informed that is vitriol and water), and the same sort of medicine is administered for every different disease. Amongst those persons there was one man who seemed to be in a high fever, and unable to sit up; he said he was confined to his bed, since the 28th of April last, and had often sent for the Doctor during that period, but could only see him twice. Being so weak that he could not eat the prison allowance, he requested the Doctor to order him something that he could eat; but the Doctor told him, if he did not eat the prison allowance he might go without any; however, he has allowed him to have a pint of milk per day.

We next went to that part of the prison where debtors, paupers, and vagrants are usually confined, which we were not shewn on our former visit. That place exhibited a *true picture of wretchedness, disgraceful to humanity*. In the first room there lay a poor man, in a corner, named

Almighty to witness, and further it is my dying request (if it must be my lot to go) that J. Lewer, C. Painter, J. Simpson, J. Douty, B. Connoroy and J. Hudson, Seamen, should be called upon my Jury, as men who are well acquainted with the treatment I have received, and who will, I am well convinced, speak nothing but the truth; as witness that these are my true sentiments, and word for word what I have dictated to be written for me, I have subscribed my name,

(Signed) JAMES JOHNSTON, Seaman.

P. S. "DEAR FRIEND,

"AS I am at the point of Death, being far worse than ever, I request you will, if possible, see the Coroner of this House Jury, and should it please God, that I am to depart this life, to give him the enclosed, which are the truth. I have a friend who will give you the earliest notice of my demise, should it so be. I have not time to say more, nor am I able to conclude,

Your obliged Friend,
though undone,

To Mr. J. S. Jordan, No. 166,
Fleet Street, London.

(Signed) J. JOHNSTON,"
Davis,

Davis, with scarcely a rag to cover him; he had been committed for one month, and appeared to be extremely ill. Our Foreman, anxious to ascertain the real situation of the prisoners, went to the corner of the room where the poor man lay; but was so overcome by the disagreeable stench of the place that he could hardly retire without fainting. From this scene of misery we proceeded to an upper room, in the same part of the prison, where we discovered eight unfortunate beings who were confined under the Vagrant Act. It appeared that each of them had only a pound of bread and water per day for sustenance, unless by accident that some broth was left by the other prisoners, which seldom happened. They had only three small straw mattresses for the eight persons to sleep on, without an atom of covering but the rags which they had on their backs on coming into the gaol. In addition to their other misfortunes, some of them complained of being tortured with vermin, which they caught from the filth of the place for want of clean straw; and poverty is the offence which subjects our fellow-creatures to such cruel treatment!

We next visited that part where the state prisoners are confined; they appear to be tolerably well accommodated in one room; but they complain that the keeper withholds from each of them 13s. 4d. per week for sustenance, being the money allowed to them by Government, which they think should be at their own disposal, as they could supply themselves with victuals at a less expence, and more to their satisfaction, which would enable them to save some of the money allowed to them, to send to their starving families in the country.

William Cheetham, one of the state prisoners from Manchester, bought a silk handkerchief at 4s. from one Nash, a prisoner; and James Aris, the Governor's son, seized the said handkerchief a considerable time ago, and has since withheld it, though he often promised to return it, or pay the 4s. that it cost.—And in November last, the said William Cheetham sent a new silk handkerchief to the laundry to be washed, which cost 7s. which he has never since received back from the said James Aris, who has the care of the laundry. Another complaint was made by an American, captain of a ship named Cowan. That on the

16th of last January (being confined in that prison) he entrusted Thomas Nicholson the keeper's clerk, with a draft for 20*l.* on Webb and Lawford, of Cannon-street, to receive cash for the same; that Nicholson gave him 13*l.* in part of the money next day, and a pair of pantaloons charged 1*l.* 4*s.* but that he could never obtain the remaining balance since. Nicholson followed us out of the prison, and acknowledged he had Cowan's money; but would settle with him the next day, and entreated us not to mention it in Court.

We next visited the mens' sick ward, which was very clean, and only saw one patient there, whose complaint was the scurvy, though at that time there were a number of prisoners whom we had seen in so bad a state of health, that they ought to have been admitted into the hospital.

We then went to the women's hospital, and there saw a girl, under fourteen years of age, named Mary Rich. She had been very ill for some time, though her miserable condition was concealed from us when we had visited the jail before. We enquired of her what was her complaint, and how she was treated in the prison; she said that she was well treated during the last four days, but for four or five weeks before she had been badly off in every respect, having nothing to eat but a little bread and water, except some broth every second day. That she lay very badly in a cell, No. 5, with two other women, and one of them lay with her on a very narrow bedstead. We immediately went to the cell where she had been confined in, and measured the bedstead, which was only two feet four inches wide. We asked the keeper's son, James Aris, how he thought two persons could rest on such a narrow bedstead? He replied, it was very common to put two persons in one bed, as they could lie head and tail very well.

It appeared, that the young girl was committed for the purpose of giving evidence against a person that had injured her; but the next morning after we saw her, a certificate was read in Court from the prison doctor, stating her to be so ill, that she could not be brought into Court to give evidence.

We examined the cells, which are about six feet wide and eight or nine feet long—a window with wooden shutters, about seven feet above the floor, and another window

window over the door. The floors are stone, and the walls are brick unplastered, which in the winter season must be very injurious to health, as there is no method of communicating fire to dry or air the cells, and we fear such places are instrumental in afflicting those who have the hard fortune to inhabit them with diseases that can only terminate in a lingering death. Across those cells, under the window, are three planks raised to answer the purpose of a bedstead, on which a straw mattress is placed, with a small thin blanket and coarse horse rug; many of those mattresses were so chafed down and worn out, that no person could take proper rest on them for want of fresh straw. The prisoners are not permitted to have any thing in their cells to sit on. Their allowance is said to be a pound of bread per day, and four days in the week they have about six ounces of meat, with some broth. But we apprehend, by the complaints of the prisoners, they are very short of that allowance. And we understand the prisoners are not permitted to weigh their meat, nor is any person permitted to see that the prisoners have their proper allowance—that is entirely left to the *mercy and humanity* of the gaoler.

The Hon. Baronet then stated it as his wish, that the House should resolve itself into a Committee, to consider of the facts now laid before them, and that the Grand Jury, and all the acting Magistrates of Middlesex, who could throw light upon the subject, should be called to the bar of the House, and be there examined. He would only move, however, for the present, that the presentment of the Grand Jury should be laid on the table of the House.

Mr. SHERIDAN rose to second the motion. He said he should be ashamed, if he conceived it at all necessary to use arguments to induce Gentlemen to adopt the motion of his Hon. Friend, after the detail of such shameful and incontestible facts. If the House refused enquiry, it would be lost to every sense of what was due to its own dignity, its jus-

tice, and its humanity. When he supported the worthy Baronet on the subject last year, he was fully impressed with the real injuries to which the poor unfortunate persons confined in Coldbath-Fields were exposed; but from the papers which the House had just heard read, it appeared that the mischief was not then distinctly and wholly felt; the situation of the prison was imperfectly known. The Magistrates were then imposed upon by the artifices of the Governor, so as to give a favourable account of the state of things; the Judges who approved of the conduct of the Magistrates from their benches had been imposed on; and in consequence of that the House was also imposed on.—The House, therefore, was unintentionally made a party in all that exaction, oppression and cruelty, which had since taken place within those walls.

Nothing was more clear, than that the Magistrates and House were grossly abused; for when any persons went to examine the prison, it was the practice of the Governor only to shew them those places which would best bear inspection, and every thing which would tend to criminate him in the least, was studiously kept out of sight. In particular, that part of the prison where the vagrants were confined was a desideratum of confinement. They were persons convicted of no crime, whose only fault was poverty; yet they were doomed to starve on bread and water, and spend their days in filth and squalidness. The very Jurymen who visited them almost fainted at the stench of their teeming cells! To suffer such abuses in this country was no longer to be endured.

He might be told the Magistrates never refused redress, when properly applied to, but he must say, it was no very strong proof of the Magistrates doing their duty, that such repeated acts of cruelty were

were committed. The House, therefore, if it valued its own reputation, or at all regarded the rights of humanity, could not fail, as speedily as possible to investigate this matter to the bottom.— Had the magistracy of the country done their duty, such disgraceful scenes could never have occurred. What could equal such enormity? The unfortunate prisoners were abused and plundered by their merciless keepers, who afterwards implored the Jurymen to conceal their villainy from the knowledge of the Magistrates.

He was told last year, that the Hon. Baronet took his report from mutineers; but on this occasion Gentlemen had heard the Report of Grand and Traverse Juries. Before the sessions were over, he hoped effectual measures would be taken to put a stop to those abuses, and that members would let their summer amusements give way to considerations due to their unfortunate fellow creatures, languishing, tortured in cells, in a dreary, noxious and cruel goal. Upon the whole, therefore, he hoped the motion would be agreed to, and that the House would also agree to a motion for going into a Committee. It was not of much consequence to him, whether the Committee was a select one, or a Committee of the whole House.

Mr. MAINWARING spoke with some warmth in reply to the last Speaker. He said the paper read by the Honorable Baronet was unauthentic, inflammatory and false.— He justified the conduct of the Magistrates. They visit the goal regularly, and the presentment of the Grand Jury, as well as the result of the examination of the Traverse Jury, were acted on by the Prison Committee. The Magistrates never received any report from the Traverse Jury similar to that which had been read. The Judges received a copy of notes or memoran-
dums

duins from the Traverse Jury, and these notes being referred to that Committee, certain regulations were accordingly adopted in the goal. The paper indeed could not have been intended for the hands of the Magistrates, but only for the hands it went to, in order to bring the subject before Parliament with all the force of colouring which the imagination of Gentlemen could give it. Here the worthy Magistrate read a List of Articles declared servicable and unservicable by the Committee of Magistrates; among which were upwards of 100 beds servicable; and about the same number unservicable; the number of blankets and rugs bore a similar proportion. With respect to the mutineers, their treatment was as good as their situation would admit of; and as to Mary Rich, the Magistrates had examined her, and found that when at home with her parents she lived in extreme poverty; she was one of six children; the mother makes soldier's buttons at a penny a dozen; the father earns about 12s. a week, and they generally bought 4 or 5 lb. of meat in a week to subsist their family. These and other circumstances formed the report of the Magistrates, who gave it as their opinion that Mary Rich was treated better, and lived more comfortably in the goal than ever she had done with her parents. Having thus submitted a counter-statement to the House, the worthy Magistrate observed in concluding, that if the motion should be for the production of the presentment of the Grand Jury, and the report of the Committee of Magistrates only, he would not object to it.

Mr. CHARLES YORKE wished to know whence the Honorable Baronet got the paper described to be the report of the Traverse Jury.

Sir FRANCIS BURDETT wished both papers to be laid on the table; but as the Honourable Gentleman

theman doubted whether the report of the Traverse Jury existed in an official form, he should, in the first instance, move that the presentment of the Grand Jury only be laid on the table. The manner the report of the Traverse Jury came into his possession was this:—It was delivered to him by the foreman and two of the Jury, who waited on him, as they expressly stated, that Justice might by some means or other be procured. If the House should agree to go into a Committee, it was his intention to propose that those Jurymen should be examined at the Bar.

Mr. TIERNEY wished to know from what description of Magistrates the statements came, which were referred to by the Honorable Gentleman, (Mr. Mainwaring) ?

Mr. MAINWARING said, that one of them was a report from the prison Committee to the general body of Magistrates.

The motion for laying the presentment of the Grand Jury on the table was then put and agreed to.

Sir F. BURDETT then moved, that the inspection of the Traverse Jury should be laid on the table.

The ATTORNEY GENERAL objected to this, as the documents did not appear to him to be perfectly official.

Some difficulty now arose respecting the terms in which it would be proper to express the motion for the second paper.

Mr. TIERNEY wished the motion to be for all the papers presented to the Justices of the Quarter Sessions for Middlesex. He trusted the House would agree to an enquiry ; for the circumstances to be collected even from the statement of the worthy Magistrate were calculated to create great public uneasiness. The Honorable Member was going on to observe, that he was not all interested
in

in the question from any other motives than that of a general desire that no unnecessary cruelty should be exercised ; no feelings of party actuated his—*[Here the Attorney General smiled]*—Mr. Tierney said, “ The Honorable and Learned Gentleman need not smile. I state what cannot be contradicted. I took no share in the debates on this subject last year. I even did not vote on it. Why then does the Honorable Gentleman smile, as if he insinuated I am under the influence of improper motives. But this habit of the Learned Gentleman has of late grown almost inveterate ; but I tell him he had better not smile in his sneering way at me.”

The ATTORNEY GENERAL assured him, that he was under a great mistake, if he supposed that he bore him any personal ill-will. They had formerly lived in friendship, and he should be sorry to offend him.

Mr. TIERNEY confessed, that the impression upon his mind was, that the Right Honorable Gentleman was personally hostile to him, and on one occasion particularly, when he thought he ascribed to him improper motives. Perhaps he felt this the more, on account of the strict intimacy that subsisted between them during so great a part of their lives : but he was perfectly satisfied with the present explanation.

A conversation then ensued between the ATTORNEY GENERAL, Mr. TIERNEY, Mr. MAINWARING, Mr. SHERIDAN, and Mr. BAKER, respecting the wording of the Hon. Baronet's second motion ; when

Mr. BAKER said, he should object to such a Committee. He thought the interference of the House would be premature, till the subject had been discussed before the tribunals to whom it properly belonged.

The

The SPEAKER interrupted, observing, that the only object of the present discussion was, how the motion of the Hon. Baronet could be best worded to answer the object he had in view; he then submitted the following motion:

"That there be laid before the House copies of all the presentments of the Grand and Traverse Juries, made to the Justices of Middlesex, at their General and Quarter Sessions, held at Clerkenwell, with regard to the condition of the prison of Coldbath-Fields, and the treatment of prisoners confined in it, from the 1st of January, 1800, distinguishing the dates of the presentments."

The motion being read,

Mr. SHERIDAN rose to second it, but he hoped it was fully understood, that by limiting the motion to these papers only, it was not meant that other information should be excluded, if the House went into that enquiry, which justice so loudly called for. An Hon. Member had said, that we ought to apply to another tribunal if cruelty and injustice were done; but did not the House appoint a Committee on the subject last Sessions? and was it not part of the first business of every session to appoint Committees of Justice to take cognizance even of the general Government of the Court of Judicature? and undoubtedly such Committees were much wanted on certain recent occasions, when expressions were used by persons of high character, which reflected most grossly on that House. Some late expressions of a worthy Prelate in another place, had particularly drawn his attention; and he took that opportunity of giving notice that he would bring the subject before the House on some future day.

With respect to the present motion, he was fearful it was too confined in terms to get at the object

of his Hon. Friend. What he wished to ascertain in the first instance was, whether the notes alluded to by the worthy Magistrate related to the first or second visit of the Traverse Jury : this was material, because the first visit was about the middle of May, and the last about the 4th of June. The statement of the worthy Magistrate was such as ought to induce the House to enter on the enquiry; indeed he was shocked to hear so much of the case of Mary Rich, and the Magistrates concluding by giving it as their opinion, that that poor creature was properly treated, while it appeared from the Report even of the Grand Jury, that she laid one whole night without a blanket; was lying ill at the time; caught cold in consequence of it, and nearly lost her life. Were these not circumstances to excite terror? It was a strange mode of arguing, that, because her parents were poor, the wretched meagre diet of the gaol was excellent food; yet it was offered as an apology for the Magistrates, that the poor girl came from the school of wretchedness and poverty to that abominable gaol. But how came she there? The Report stated, that the poor child charged some person with committing a rape on her. Was that person ever prosecuted? Why did not the Magistrates enquire into this?— But she was committed to be detained as a witness. Where, in the law of England, do the Magistrates read that a person complaining of an injury, a prosecutor, is to be detained in his own cause; and kept on bread and water? He thought he had a right to suspect, from all that was known of the officers of the gaol, that they were bribed by the offender to detain the unfortunate child.

It was said that persons applied to the Hon. Baronet to represent the situation of the gaol to the

the House. Now instead of this being a disgrace to his Hon. Friend, instead of its being a reproach, it ought to be regarded as exceedingly meritorious. We ought to praise, not censure, the

—“ Few who seek the wretched out,
And court the offices of mild humanity.”

The prisoners have a right to complain; they find they need not complain to the Magistrates, because their complaint was not attended to. He could not but implicate the Magistrates, for it appeared by the Report read by the worthy Magistrate, that, notwithstanding the recommendation of the Committee of that House last year, they were tardy in reforming abuses; inasmuch that it was only very lately the unserviceable articles the House had heard enumerated were ordered to be removed. The beds were so bad, that the straw and chaff were ground down to one common powder. Being of opinion, therefore, that every word which had fallen from the worthy Magistrate shewed the necessity of the motion, it would have his most cordial support.

Mr. WINDHAM (Secretary at War) observed, that, under the best superintendence that could be devised, a prison must necessarily be a scene of woe, and therefore a scene of wretchedness. The government of such a place must necessarily be a kind of despotism, and its inhabitants were a class excluded from general observation and general care, and they could not come forth to tell their injuries. Such a place, therefore, undoubtedly, required the most vigilant examination; one which should not consist merely of a *pro forma* visit, but be made *bona fide* by men anxious to take every opportunity of discovering the real treatment observed in it.—

But while he was as desirous as any man that no abuse should pass unnoticed or unpunished, he differed with the Hon. Gentleman over the way, as to the propriety of applying to the House upon the subject in the first instance. An application should first be made to the Quarter Sessions, and if it should appear that no remedy was thence obtained, then an appeal lay, he apprehended, to the King's Bench. The House was not fitted for going into all the minute details that must necessarily be brought before them, if any thing effectual was to be done in the business; and, therefore, he thought to go into a Committee on the papers moved, would lead the House into an inconvenient and incongruous mode of proceeding.

There was a set of men alluded to in the report, who, however enormous had been their criminality, he did not wish to see cruelly treated. He rather apprehended, however, that if this class of men, namely the mutineers, had not been confined in Coldbath-fields, the House would never have heard any thing respecting the conduct of that prison.

Mr. YORKER said, the Hon. Baronet would have consulted his duty better if he had brought this business earlier before the House. He could not avoid suspecting that the motion proceeded from a set of men confined in the prison, who had been guilty of the greatest offences. By this he by no means meant to impute blame to the worthy Baronet; he thought it beneath the dignity of the House to perform a task which might be done much better by the inferior Magistrates. However as he wished to see the business thoroughly sifted, he should not object to the motion; he wished also the motion should include the proceedings of the Magistrates; he therefore moved, as
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an amendment, the words, "together with copies of the proceedings of the Justices upon those presentments."

The ATTORNEY GENERAL said, it was to be understood, the official documents which had been alluded to was not called for by this motion.

Mr. BAKER thought that the papers would be unnecessary, unless some proceedings were afterwards had, which he presumed was the Hon. Baronet's intention, and he stated that he should object to the House going into any Committee at this time.

The amendment was agreed to, and the motion, as amended, put and carried.

Mr. SHERIDAN said, he trusted that he was not implicated in the allusion of the Hon. Gentleman; he did not think any one suspected him of forming a party with those mutineers, who were very properly subject to the rigours of confinement in that prison. The fact was, the question had nothing to do with the mutineers; it applied only to those who were committed as vagrants, or as witnesses, or for safe custody before trial, or to persons whose offence was poverty, the remedy for which was close confinement and bread and water. It did appear that they were treated with an improper degree of severity. If credit was to be given to the statement of the worthy Magistrate, it was evident they had not found that redress, to obtain which the prison had been made subject to the inspection of a Committee.

He was surprised to hear the Secretary at War say, that Parliament ought only to interfere as the last resort. Parliament was bound to superintend all state prisons in the country. Parliament had suspended the Habeas Corpus Act; it was therefore

fore its duty to see that no abuses were the consequence of that suspension.

Would the Hon. Secretary have those wretched prisoners, who were stated to have languished in the last stage of poverty, make application to the Court of King's Bench? It was in vain for them to attempt to make their sufferings known; they were fearful of doing so; they were too much overawed and intimidated by their gaolers to dare to speak out. It had been with difficulty the Grand and Traverse Juries had induced them to state the facts: they were obliged to promise them protection, and order the turnkey to withdraw. — He thought the observations or notes of the Traverse Jury, which had been improperly called a presentation, ought not to be withheld. When all the papers upon the subject were before the House, it would then be competent to determine whether a Committee of the whole House or a Special Committee ought to be appointed to make that enquiry, either at the bar of the House or otherwise, which compassion to the sufferings of these oppressed prisoners, and the nature of the subject demanded.

Mr. MAINWARING wished to know whether the Hon. Gentleman who spoke last expected the statement alluded to should be one of the papers within the meaning of the motion? If so, he would oppose it. It was a paper which rested on no authority, being put into his hand only as he was coming down to the House, by a person in no official situation.

Mr. SHERIDAN reprobated such quibbling and evasive subterfuges. The grand question was, whether the facts contained in that statement were founded in truth or not? This could only be ascertained

certained by an enquiry. He defied any one to prove the statements of the Report to be incorrect; and if it contained truth, was it not strange that it should be refused by men who professed themselves eager to see the matter sifted?

The SPEAKER suggested, that if the Hon. Member wished to have the paper produced, he should make a specific motion for it.

Mr. SHERIDAN then moved,

“ That a copy of the letter and paper alluded to, importing to be from the Foreman of the Traverse Jury of Middlesex, of the 30th of May last, to the present Jury, be laid before the House.”

The ATTORNEY GENERAL opposed it; he was of opinion, that this paper could not be regularly laid before the House, it being the deed, not of the Jury acting *ex officio*, for their power had expired previous to the date of this document, but of certain individuals.

Sir F. BURDETT contended, that it was the duty of the House to avail themselves of every opportunity of getting at the truth, without straining at nice and quibbling distinctions. It was highly important that the House should be in possession of both papers, as there was an essential difference in the complexion of the first and second representation of the Traverse Jury. His object in bringing the motion before the House was, the situation of persons not charged with any crime whatever, and therefore, he regretted, that the sufferings of any other description of prisoners had been thought necessary to be introduced,

Mr. WINDHAM considered the papers useless, unauthenticated, and anonymous.

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Mr. BURTON objected to the production of the paper, not only on account of the dignity of the House, but also on account of the justice and propriety of its proceedings, both which would be affected were the House to entertain a paper coming through such a medium. He then proceeded to object to the person who had delivered it to the Hon. Member, and pointed out its irregularity.

Mr. YORKE considered the papers as useless, being merely the representation of a private individual.

Mr. SHERIDAN withdrew his motion; in lieu whereof he gave notice, that he should, on a future day, move for examining Mr. Dickie and his companions of the Traverse Jury, on the subject of the facts stated in the representation.

COPY OF A LETTER

THAT APPEARED IN THE ALBION OF THE 16TH JULY 1800;
TO RICHARD BRINSLEY SHERIDAN, ESQ.

SIR,

I HAVE read with a degree of satisfaction not to be expressed, the report of your speeches on Friday, in support of Sir Francis Burdett's motion for an inquiry into the condition of the wretched prisoners in the House of Correction, in Coldbath-Fields. Having been the first to publish an account of the melancholy state to which the unfortunate inhabitants of that place, the proper name of which we are forbidden to pronounce, and having ineffectually endeavoured to interest the sympathy of the Public in behalf of suffering humanity, more than three years since, I cannot but enjoy a more than common gratification, when I behold the same cause espoused by those mighty abilities which have heretofore commanded the admiration of an astonished Senate and an applauding Public.

It is not every question that admits of the same brilliant display of those unrivalled powers which kindled the indignation of the world against an *Indian Governor*; yet, surely a heart, fraught with those noble feelings which adorn and dignify your nature, will find abundant matter to interest it in bringing to justice *another Governor*, who has so often been arraigned at the bar of the Public, but who has always found zealous defenders among those whose situation and duty equally demanded a different line of conduct.

Circumstanced as this prison is, and differing as it does from all others in this country, it especially behoves those who do not wish to see this once fair and free land covered with bastilles and inquisitions, to take care that its internal management be not committed to men capable of aggravating the sufferings of their fellow-creatures, either from a natural depravity of disposition, from motives of sordid lucre, or a still more dangerous bias, from a base desire to conciliate the favour of certain persons, who, perhaps, are pleased to see an overweening zeal in the infliction of those restraints and severities, which, in the opinion of many, some of its inhabitants do not deserve.

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All the prisons of London and Middlesex, except this, are under the government and controul of the Sheriffs, who, being *annual officers*, and, after a few months, returning to the mass of their fellow-citizens, are accountable to them, and generally, indeed almost always, govern the prison with propriety; but this prison is under the jurisdiction of the Justices of the Police of Middlesex, who appoint a Committee, who again appoint a Chairman, who, by constantly attending, may be able to lead and influence the Committee; and, being from time to time continued, may be regarded as *virtually* the Governors of the prison. This, many persons apprehend, sufficiently accounts for the management of the Penitentiary House.

It will also not be forgotten, that a certain Member has declared in a Pamphlet of his to the Public, that "*he would heap restraint upon restraint, (Anglice, torture upon torture,) till the mind of the prisoner was 'completely subdued,'*" which indeed I take to be the first great principle and external practice of the Inquisition, which has ever been held in such just reprobation by Englishmen.

LIBERTY, RIGHT, and RELIGION can never be extinguished by fine, or by *open public pain and penalty*: it is close prisons, and such like severities, that only can injure them, which, it is *sbrewdly suspected*, is what makes some persons so fond of them, and so very zealous in their defence. Enough;—I leave the rest to your superior wisdom and unabated efforts, to meliorate the condition of the oppressed and wretched. I pray to God to direct them.

I cannot conclude without offering my most grateful thanks to those truly respectable Juries who have, so much to their own honour, and so highly to the credit of their country, lately investigated the interior of this prison. May their example stimulate succeeding Juries, and may the House of Commons, the *natural Guardians of the liberties and rights of the People*, sanction by their votes the general voice, by instituting a strict and proper investigation of the grievances so universally complained of.

July 14, 1800.

CHRISTOPHER MUNNINGS.

A FURTHER ACCOUNT of this PRISON will be published in a few days.



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